

REMARKS

This responds to the Office Action mailed on April 19, 2007, and the references cited therewith.

No claim are amended, no claims are canceled, and no claims are added; as a result, claims 32-36 and 40 are now pending in this application.

Double Patenting Rejection

Claims 32-36 and 40 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 16-39 of patent application 09/500,601 in view of Ross (U.S. Patent No. 6,195,447, hereinafter "Ross").

Applicant does not admit that the claims are obvious over claims 16-39 of patent application 09/500,601 in view of Ross. However, a Terminal Disclaimer in compliance with 37 C.F.R. 1,321(b)(iv) is enclosed herewith to obviate these rejections.

Allowable Subject Matter

Applicant respectfully submits that, given the enclosed Terminal Disclosure, claims 32-26 and 40 are deemed allowable over claims 16-39 of patent application 09/500,601 in view of Ross.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 408-278-4042 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.


Respectfully submitted,

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By his Representatives,

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Date 05/18/2007

By 

Reg. No. 35,668

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 18th, day of May 2007.

Dawn R. Shaw

/Dawn R. Shaw/

Name

Signature